
PDF PAGE 1, COLUMN 1

*Judge Hill Orders Locker
Club Probe*

PDF PAGE 1, COLUMN 6

**ASSERTS
GUN
TOTING
IS**

MENACE

New Justice Tells Body It Must Not Spare Liquor Law Violators

Judge Ben Hill, in his first official act as a member of the Superior Court bench, Monday opened a campaign against illegal traffic in intoxicants, with especial reference to locker clubs which may be violating the prohibition laws.

Charging his first Grand Jury, he urged the most careful inquiry into the conditions under which the locker clubs are operating, and if any were found to be disregarding the law in any way to indict the men operating them.

"There are rumors that some of the locker clubs are not complying with the law," said Judge Hill. "This may or may not be true, but it is your duty as the highest body in the county to make a most careful investigation. The man who is deliberately violating the law which rules that whisky must not be sold should be severely dealt with, be he in a locker club or a public or private place. No matter what your personal opinion may be regarding the sale of intoxicants, you are to act as the law dictates."

Whisky and the Pistol.

“The two great evils of life, the momentous ones, are a whisky bottle and a pistol. Each of them is a great evil in itself, but together they form the greatest menace to life.”

“I urge of you that every man in the last two years who has been guilty of having a weapon upon him, unless he has a permit from the Ordinary, be immediately indicted. I think there should be a law against the sale of pistols, for the modern revolver is the most deadly weapon ever made. The man who carries one is a menace to the life of the community and should be dealt with in a manner to make it a lesson to others.”

“It is also your duty to make the closest investigation into violations of the gaming laws. If there is gambling in Fulton County you should take the step that will break it up. In 1880, when Captain English was Mayor, and I was Solicitor General, we broke up gambling here, and if the rumors that gambling is going here now are true you are the men to be held responsible for it.”

“Upon a grand jury depends the lessening of crime, by strict and firm consideration of the cases coming before it. I do not know that crime is on the increase, but the newspapers tell us that it is. The duty of a grand juror is most important. His position is a responsible one, for upon him depends the welfare of a community.”

The organizing and charging of the Grand Jury was unique in the annals of Fulton County court history. Judge W. H. Ellis organizing it and then sending the body before Judge Hill to be charged. But a few formal remarks were made to them by Judge Ellis.

With Judge Hill’s assumption to the Superior Court bench, an old custom of the other three judges, Bell, Pendleton and Ellis, handling the criminal docket in rotation, with the assistance of Judge Roan, of the Stone Mountain Circuit, is abolished. Judge Hill will handle all criminal felony cases and only in cases of extreme emergency, where the criminal docket becomes badly crowded, will any of the other three judges handle criminal cases. Judge

Charles L. Reid, who succeeded Judge Roan on the Stone Mountain Circuit, will not hold court here.

The entire courthouse in both the old City Hall and Thrower Building was in a state of suppressed excitement all Monday over the revival of the work of the felony branch of the Criminal Court, and the shifting of

Continued on Page 2, Column 1.

PDF PAGE 7, COLUMN 1

GRAND JURY TO PROBE LOCKER CLUBS

Judge Hill Orders to Indict

Any Violators of the Anti- Whisky Laws.

Continued From Page 1.

courtrooms so that the new judge could handle cases properly.

Monday morning saw Solicitor Dorsey handle his first case other than the Leo M. Frank trial in nearly three months. A number of the smaller cases were disposed of. Next Monday the court will get into the grind of disposing of the heavier cases and by the finish of the November term on December 20 the Solicitor expects to clean up the docket, which has become badly crowded.

Judge Hill also shattered another custom of old standing in the criminal branch of the Atlanta Judicial Circuit in calling for a docket. Solicitor Dorsey explained that former judges had always left this to the Solicitor, but that he would have the Clerk to prepare one for Judge Hill if he so desired.

"Yes, have the Clerk get me up one," replied the judge. "I want to know what I am doing up here."

That he would attempt to win the confidence and esteem of the people of Fulton County, as did his father and brother, the famous statesmen. Ben Hill, and the noted prosecuting attorney, Charlie Hill, who was Solicitor of Fulton County for many years, was the declaration of Judge Hill.

Will Follow Tradition.

“In my work on the Court of Appeals it was my pleasure to see the statue of my father placed in the Capitol by the people of Fulton County. In the new courthouse I will gaze upon the likeness of my brother, who was Solicitor for 25 years. For the people of Fulton County who have so honored my family I will endeavor to do my best to win the esteem in which these dearest members of my family were held.”

W. L. Peel, president of the American National Bank, was appointed foreman of the Grand Jury, which is regarded as one of the strongest ever assembled in the county. A large number of prominent business men appear on its roll.

It is composed of W. L. Peel, B. F. Pim, C. L. Defoor, T. E. Camp, M. C. Strickland, W. F. Manry, H. A. Coleman, John Aldredge, R. E. Richards, S. D. Jones, A. J. McCoy, J. T. Rose, M. A. Smith, Frank Weldon, J. D. Leitner, E. A. Hartsock, W. H. Mitchell, W. T. Healey, H. M. Milam, C. J. Sullivan, F. G. Lake, C. C. McGehee and S. H. Venable.

PDF PAGE 1, COLUMN 7

271 in Tower, Most

At Any One Time in Mangum's Regime

Sheriff Mangum reported Monday that the Tower population is at the high mark of his five years' administration. The number of inmates Monday was 271. The high mark came last Friday with 286 prisoners.

The Frank trial and hearing for a new trial have acted as the dam which backed up the stream of humanity that flows in and out of the jail. More than a hundred prisoners at one time were awaiting trial.

Of the 271 in the Tower Monday, 241 were State and County, 27 were United States and three were foreign prisoners. Thirty-five were released last Saturday, part of them to work on the public roads, others under bond and one to be taken to the hospital.

Sheriff Mangum in the last three years has handled in and out of the jail 12, 915 prisoners, an average of 4,805 a year.

*Arnold Says Precedent Provides New
Frank Trial*

PDF PAGE 1, COLUMN 1

**HOPE
LIES**

**IN
JUDGE**

ROAN' S DOUBT

**Attorney Says Supreme
Court De-
cisions Make Retrial
Obligatory**

Under Present Conditions.

Attorneys for Leo M. Frank Tuesday made the declaration that the Supreme Court of Georgia could avoid giving their client a new trial only by upsetting a well-established precedent and by reversing every Supreme Court decision which has borne on the trial judge's duty to set aside a verdict of guilty for which he is not convinced there was sufficient warrant.

"I am not venturing to predict what the Supreme Court will do in the matter," said Reuben R. Arnold, one of the counsel. "It seems to me, however, that the law is clear on this point. It seems to me, however, that the law is clear on this point. There is no escape from the fact that the Supreme Court repeatedly has ruled that the trial judge, if he is not fully satisfied that the evidence has demonstrated the guilt of the defendant, has no other course open than to order a new trial.

"We will not have to base our contention on an isolated case. The Georgia reports show that this exact point has been decided again and again by the Supreme Court. In not one of the case, I think, did the presiding judge so strongly express his doubt of the guilt or innocence of the defendant as did Judge Roan in respect to Leo Frank."

Roan's Position Clear.

"Judge Roan's went out of his way to make his stand in the matter perfectly clear. He mentioned that the case had given him much concern and worry—more than any other case over which he had presided. He then made his important declaration that, although he had listened to the evidence and arguments for 30 days, he was not yet convinced of the man's innocence or guilt."

"The law, as interpreted by the Supreme Court, clearly lays down the principle that the judge has responsibility in the matter

and can not shift every ounce of the burden onto the shoulders of the jurors. Judge after judge virtually has been reprimanded for evading his duty in this respect.”

Attorney Arnold mentioned a number of cases illustrating his point. In the case of *Livingstone vs. Taylor*, 132 Georgia, the Supreme Court enunciated the principle in these words, quoting in part from a previous decision in the case of *Rogers vs. the State*, 101 Georgia:

“From the tenor of his order his honor seems to have been of the impression that if there was evidence to support the verdict, he was not authorized to set it aside. This view is erroneous.”

Gives Judge Discretion.

From this point the decision in the *Rogers* case is cited:

“The law confers upon trial judges a discretion in granting or refusing new trials in cases where the verdict is alleged to be contrary to evidence or without evidence to support it, and imposes upon them the duty of exercising this discretion. This court will not allow a conviction of a crime founded upon weak, unsatisfactory and doubtful evidence to stand, when the record discloses strong reason for believing that the judge below was not himself fully satisfied with the findings of the jury.”

In the *Rogers* case, the trial judge’s remark in denying the new trial was: “There probably being sufficient evidence to authorize the verdict of the jury, the motion is overruled and a new trial refused.”

**JUDGE'S
WORDS**

**GIVE LEO
FRANK**

NEW HOPE

**Attorneys Hold That
Roan's Ex-pressed
Doubt Will Make
Rehearing Assured.**

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Roan's Position Clear.

"Judge Roan went out his way to make his stand in the matter perfectly clear. He mentioned that the case had given him much concern and worry—more than any other case over which he had presided. He then made his important declaration that, although he had listened to the evidence and arguments for 20 days, he was not yet convinced of the man's innocence or guilt."

"The law, as interpreted by the Supreme Court, clearly lays down the principle that the judge has responsibility in the matter and can not shift every ounce of the burden onto the shoulders of the jurors. Judge after judge virtually has been reprimanded for evading his duty in this respect."

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